

Remarks

Introduction

Claims 1, 4, 6-12, 15, 17-23, 26, & 28-35 are pending and rejected.

Applicant adds new claim 38 which clarifies that the linear outcome is presented horizontally. No new matter is added. As Applicant has canceled more than one claim, no new fee should be required.

Applicant herein amends three paragraphs of the specification to correct spelling and grammatical errors. As it may be difficult to ascertain, the only change on page 31 is the addition of two commas in the last sentence. No new matter is added.

Applicant appreciates the telephonic interview with Examiner Nguyen and SPE Thai on 10 April 2007 when several matters were discussed. Where appropriate, the interview is referenced below and to the extent necessary these remarks serve as the required interview summary.

Applicant hereby respectfully requests reexamination and reconsideration of the pending claims in light of the amendments and remarks provided herein and in accordance with 37 C.F.R. §1.112.

The Office Action's Rejections

35 U.S.C. § 102(b)

Claims 1, 4, 6-8, 10, 12, 15, 17-19, 21, 23, 26¹, 28-30, 32 & 35 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kaminkow (hereinafter "Kaminkow"). Applicant respectfully traverses. For the Patent Office to prove anticipation, the Patent Office must show where each and every element of the claim is taught. Furthermore, the elements of the reference must be arranged as claimed. MPEP § 2131. Anticipation is a strict standard, and the Patent Office has not sustained its burden under the rigorous requirements of § 102.

Applicant initially notes that this rejection appears to be a return to a rejection made in the first Office Action of January 11, 2005, which Applicant has previously addressed. While the language of the claims has changed in the interim, in relevant part, the claims still define over Kaminkow because Kaminkow does not teach or suggest displaying a representation of a non-

¹ Applicant notes that claim 26 is not rejected under 35 U.S.C. § 102 in the heading of paragraph 2 of the Office Action, but is addressed in the body at page 2, line 12. In the telephonic interview, Examiner Nguyen confirmed that claim 26 was rejected under 35 U.S.C. § 102.

linear outcome as a linear outcome as variously recited in each of the independent claims. When Applicant originally addressed this reference, the claim language that persuaded the Patent Office to withdraw the rejection was “*even when the set of reel positions of at least one of the plurality of outcomes is not displayed, via the first display, disposed along a straight line.*” The revised claim language more succinctly captures the same intent and distinction of Applicant’s earlier arguments relating to Kaminkow.

Regarding independent claims **1, 4, 12, 15, 23, 26, & 35²**, the Patent Office groups the claims and, in relevant part, makes the following assertion:

- d. A second display coupled to the processor and operable to display a representation of the non-linear outcome as a linear outcome, such that the set of reel positions is each displayed disposed along a straight line without crossing any other displayed line of reel positions (col. 10 lines 58-67 and col. 11, lines 1-45).

(Office Action of January 30, 2007, p.4, line 22-p.5, line 3). This assertion is not supported by the reference as a more detailed examination of the cited passage and corresponding Figures 6A-6J shows. Kaminkow is designed to have a primary display 28 with reels thereon and a secondary display 32 with reels that mirror those of the primary display 28 (Kaminkow, col. 4, lines 35-39; col. 7, lines 46-61; col. 8, lines 56-61). Thus, as described in the passage cited by the Patent Office, if the primary display 28 has an outcome which is non-linear, then the secondary display 32 replicates this non-linear outcome and presents the non-linear outcome as a non-linear outcome. See, in particular, Figures 6D-6I. At no point does Kaminkow teach or suggest that the second display is operable to display a representation of the non-linear outcome as a linear outcome, much less that the set of reel positions is each displayed disposed along a straight line without crossing any other displayed line of reel positions.

While the Patent Office does not address the independent claims individually, each of the independent claims has, in relevant part, nearly identical language.

Claim 1 recites “*a second display coupled to the processor and operable to display a representation of the non-linear outcome as a linear outcome, such that the set of reel positions is each displayed disposed along a straight line without crossing any other displayed line of reel positions.*” As explained above, this language is not taught by Kaminkow.

² While the Patent Office indicates that claim 6 is an independent claim, claim 6 depends from claim 4.

Claim 4 recites “*a second display coupled to the processor and operable to display a representation of the non-linear outcome as a linear outcome, wherein the linear outcome is displayed as a set of symbols disposed along a linear payline. . .and wherein the representation of the linear outcome is displayed without the payline of any set of symbols crossing any other payline of another set of symbols of any other displayed outcome.*” As explained above, this language is not taught by Kaminkow.

Claim 12 recites “*displaying on a second display a representation of the non-linear outcome as a linear outcome, wherein the linear outcome comprises the set of reel positions displayed disposed along a straight line without crossing any other displayed line of reel positions.*” As explained above, this language is not taught by Kaminkow.

Claim 15 recites “*displaying on a second display a representation of the non-linear outcome as a linear outcome, wherein the non-linear outcome that is displayed as a linear outcome is displayed as a set of symbols along a linear payline. . .and wherein the representation of the linear outcome is displayed without the payline thereof crossing any other payline of another set of symbols of any other displayed outcome.*” As explained above, this language is not taught by Kaminkow.

Claim 23 recites “*the second display screen of the supplemental display is operable to display a representation of the non-linear outcome as a linear outcome, such that the set of reel positions is displayed disposed along a straight line without crossing any other displayed line of reel positions.*” As explained above, this language is not taught by Kaminkow.

Claim 26 recites “*the second display screen of the supplemental display is operable to display a representation of the non-linear outcome as a linear outcome, the linear outcome comprising an outcome displayed along a linear payline. . . and wherein the representation of the linear outcome on the supplemental display is displayed without the payline thereof crossing any other payline of another set of symbols of any other displayed outcome.*” As explained above, this language is not taught by Kaminkow.

Claim 35 recites “*means for displaying a representation of the non-linear outcome as a linear outcome, the linear outcome comprising an outcome displayed along a linear payline and the linear outcome including the set of outcome elements. . . .*” As explained above, this language is not taught by Kaminkow.

Since Kaminkow does not teach an element within each of independent claims, Kaminkow cannot anticipate the dependent claims **6-8, 10, 17-19, 21, 28-30 or 32** for at least the same reasons.

During the telephonic interview, the Examiner clarified the position advanced by the Patent Office and particularly pointed to Kaminkow, col. 11, lines 32-35, which states “the present invention preferably displays each winning payline alone, separately and in series before displaying an accumulation of each of the winning paylines at once.” (emphasis added). The Examiner explained that the “series” language of the passage implied that the outcome was presented in a linear fashion as recited in the claim. Applicant respectfully traverses this interpretation. Applicant initially notes that while the Patent Office is entitled to interpret claim language in its broadest reasonable manner consistent with the specification (MPEP § 2111.01), this breadth of interpretation does not extend to references. Rather, references must be read contextually and from the point of view of someone of ordinary skill in the art at the time of invention. As explained during the telephonic interview, Kaminkow meant sequentially when it uses word “series”. The examples provided by Kaminkow at col. 11, lines 46-67 confirm this understanding. In particular, the first example states “the present invention then displays a first winning payline for a predetermined period of time and ends the display, displays a second winning payline for a predetermined period of time and ends the display and displays each winning payline in this manner before finally displaying all the winning displays at once.” This example clearly contemplates sequential, and non-linear presentation of the winning paylines before showing the composite winning display. Likewise, the second example states “the player wins on three paylines, namely payline #2 of Fig. 6B, payline #5 of Fig. 6E and payline #8 of Fig. 6H. The replicating display 32 of the present invention displays only the payline #2 of Fig. 6B for three seconds, then the payline #5 (Fig. 6E) for three seconds, then the payline #8 (Fig. 6H) for three seconds and finally the display of Fig. 6K showing all three paylines, i.e., winning combinations, at once for a predetermined period of time.” Examination of Figs. 6E and 6H show that the non-linear paylines are presented in a non-linear fashion. Fig. 6B has a linear payline whose linearity is preserved, but in no example is a non-linear payline presented in a linear fashion.

Applicant still further traverses the Patent Office's interpretation that "series" is the same as linear. Applicant provides the following definition of "series" from Merriam Webster's online dictionary (www.m-w.com):

- 1 **a** : a number of things or events of the same class coming one after another in spatial or temporal succession <a concert *series*> <the hall opened into a *series* of small rooms> **b** : a set of regularly presented television programs each of which is complete in itself
- 2 : the indicated sum of a usually infinite sequence of numbers
- 3 **a** : the coins or currency of a particular country and period **b** : a group of postage stamps in different denominations
- 4 : a succession of volumes or issues published with related subjects or authors, similar format and price, or continuous numbering
- 5 : a division of rock formations that is smaller than a system and comprises rocks deposited during an epoch
- 6 : a group of chemical compounds related in composition and structure
- 7 : an arrangement of the parts of or elements in an electric circuit whereby the whole current passes through each part or element without branching -- compare PARALLEL
- 8 : a set of vowels connected by ablaut (as *i, a, u* in *ring, rang, rung*)
- 9 : a number of games (as of baseball) played usually on consecutive days between two teams <in town for a 3-game *series*>
- 10 : a group of successive coordinate sentence elements joined together
- 11 : **SOIL SERIES**
- 12 : three consecutive games in bowling
- **in series** : in a serial or series arrangement

The definition closest to the Patent Office's interpretation is "coming one after another in spatial succession" (although as noted above, Kaminkow clearly contemplates a temporal series, not a spatial series). However, nothing in that definition implies linearity. To this extent, the word "series" does not support the Patent Office's contention that the reference teaches a linear presentation of non-linear outcomes.

Again, Applicant appreciates the telephonic interview when the Patent Office clarified how it was reading the reference, but as demonstrated above both within the four corners of the reference and by reference to an external source for the definition of "series", the reference does not teach presenting the non-linear outcomes in a linear fashion. Since the reference does not teach this element, the reference does not anticipate the independent claims.

Claims 10, 21, & 32 recite that the second display only displays winning outcomes. The Patent Office asserts that this element is taught by Kaminkow, col.11, lines 20-45. This assertion likewise incorrect as reference to Figure 61 reveals. In Figure 61, second display 32 clearly shows on payline 32l, B-O-W-P-A, which is not a winning outcome. Thus, Kaminkow does not teach that the second display only displays winning outcomes. This deficiency provides an independent reason why claims 10, 21 & 32 are not anticipated.

Applicant further notes that in paragraphs 7 and 9 of the Office Action of January 30, 2007, the Patent Office twice admits that Kaminkow does not teach all the elements of claims **6 & 15** (Office Action of January 30, 2007, p. 4, lines 13-15 and again on p. 5, lines 4-5). These two separate admissions provide additional reasons why claims **6 & 15** are not anticipated.

Applicant still further notes that in paragraph 10 of the Office Action of January 30, 2007, the Patent Office admits that Kaminkow does not teach all the elements of claim **26** (Office Action of January 30, 2007, p. 5, lines 16-17). This admission provides an additional reason why claim **26** is not anticipated.

35 U.S.C. § 103

Claims **6, 9, 15, 20, 26 & 31** were rejected under 35 U.S.C. § 103 as being unpatentable over Kaminkow in view of Falconer (hereinafter "Falconer"). Applicant respectfully traverses. For the Patent Office to establish *prima facie* obviousness, the Patent Office must show where each and every element of the claim is taught or suggested. MPEP § 2143.03. If the Patent Office relies on a combination of patents to establish obviousness, the Patent Office must first state a motivation to combine the references, and second, the Patent Office must support the stated motivation with actual evidence. *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). If the Patent Office cannot establish obviousness, the claims are allowable. 35 U.S.C. §§ 102, 103.

Applicant initially traverses the rejection because the combination of references does not teach or suggest "*a second display coupled to the processor and operable to display a representation of the non-linear outcome as a linear outcome, such that the set of reel positions is each displayed disposed along a straight line without crossing any other displayed line of reel positions. . .*" as recited in the independent claims. The deficiencies of Kaminkow are set forth above. Applicant has reviewed Falconer and finds no teaching of this element either. Likewise, the Patent Office has pointed to nothing within Falconer that teaches this element. Since the references individually do not teach or suggest the claim element, the combination of references cannot teach or suggest the claim element. Since the combination does not teach or suggest the claim element, the Patent Office has not established *prima facie* obviousness. Applicant requests withdrawal of the § 103 rejection of claims **6, 9, 15, 20, 26 & 31** at this time.

Applicant further traverses the rejection because Falconer does not teach the element for which it is cited. In particular, the Patent Office admits that Kaminkow does not teach displaying an indication of a payout amount per each outcome that would have been won had a

wager been placed upon each outcome. The Patent Office asserts that this element is taught by Falconer in paragraph 0045. Falconer paragraph 0045 states in full:

In another alternative embodiment of the present invention, the central display 30 displays all of the sets of reels spinning simultaneously during game play or displays on the sets of reels spinning that are in actual game play. Yet another alternative embodiment is that the central display 30 can display the sets of reels not shown by the player in a simultaneous demonstration during game play. *This demonstration can be made to provide the player with information on other paylines 56 not wagered on by the player thereby providing greater excitement by offering more paylines 56 to the player.*

(emphasis added). The passage does not mention payout amounts. The only thing the passage mentions is in the italicized portion which says “information on other paylines not wagered” is provided to the players. A generalized statement that information on paylines is provided is not the same as providing payout amounts as recited in the claims. Thus, the passage does not teach the element for which it is cited. Since Kaminkow admittedly does not teach the element and Falconer demonstrably does not teach the element, the combination of references cannot teach or suggest the element. Since the combination cannot teach or suggest the element, the Patent Office has not established *prima facie* obviousness, and the claims are allowable.

Claims 6, 11, 15, 22, 26, & 33 were rejected under 35 U.S.C. § 103 as being unpatentable over Kaminkow in view of Singer et al. (hereinafter “Singer”). Applicant respectfully traverses. The standards for establishing obviousness are set forth above.

Applicant initially traverses the rejection because the combination of references does not teach or suggest “*a second display coupled to the processor and operable to display a representation of the non-linear outcome as a linear outcome, such that the set of reel positions is each displayed disposed along a straight line without crossing any other displayed line of reel positions . . .*” as recited in the independent claims. The deficiencies of Kaminkow are set forth above. Singer likewise does not display a representation of the non-linear outcome as a linear outcome. Rather, Singer discloses separately and simultaneously displaying each payline while preserving the original non-linear nature of the payline. See Figure 5B. Applicant notes that Applicant has previously addressed and overcome Singer on this basis. In short, neither reference teaches or suggests the claim element. Since the references individually do not teach or suggest the claim element, the combination of references cannot teach or suggest the claim element, and the Patent Office has not established *prima facie* obviousness.

Applicant further traverses the rejection because the Patent Office has not provided proper evidence to support the motivation to combine. Specifically, the Patent Office asserts that the motivation to combine the reference is “to allow players the ability to easily and quickly assess the outcome of the game of chance.” (Office Action of January 30, 2007, p. 5, lines 11-12). This asserted motivation lacks the required evidence. Since the motivation lacks the required evidence, the motivation is improper. Since the motivation is improper, the combination is improper. Since the combination is improper, the references must be considered individually. As explained above, neither reference alone teaches or suggests “*a second display coupled to the processor and operable to display a representation of the non-linear outcome as a linear outcome, such that the set of reel positions is each displayed disposed along a straight line without crossing any other displayed line of reel positions.*” as recited in the independent claims. Since the references individually do not teach or suggest all the claim elements, the Patent Office has not established *prima facie* obviousness, and the claims are allowable.

Claims 26 & 34 were rejected under 35 U.S.C. § 103 as being unpatentable over Kaminkow in view of Benbrahim (hereinafter “Benbrahim”). Applicant respectfully traverses. The standards for establishing obviousness are set forth above.

Applicant traverses the rejection because the combination does not teach “*the second display screen of the supplemental display is operable to display a representation of the non-linear outcome as a linear outcome, the linear outcome comprising an outcome displayed along a linear payline. . . and wherein the representation of the linear outcome on the supplemental display is displayed without the payline thereof crossing any other payline of another set of symbols of any other displayed outcome. . .*” as recited in claim 26. Applicant has explained above why Kaminkow does not teach this element. The Patent Office points to nothing within Benbrahim that cures this deficiency. Applicant has studied Benbrahim and finds no teaching or suggestion therein that corresponds to this claim element. Thus, the references individually do not teach or suggest the claim element. Since the references individually do not teach or suggest the claim element, the combination of references cannot teach or suggest the claim element. Since the combination of references does not teach or suggest the claim element, the combination does not establish *prima facie* obviousness, and the claims are allowable.

Conclusion

At least for the foregoing reasons, it is submitted that all claims are now in condition for allowance, or in better form for appeal, and the Examiner's early re-examination and reconsideration are respectfully requested.

Alternatively, if there remain any questions regarding the present application or the cited reference, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Taylor M. Davenport at telephone number 203-461-7228 or via electronic mail at tdavenport@walkerdigital.com, at the Examiner's convenience.

Authorization to Charge Fees

Applicant does not believe an extension of time to make this Amendment and Response timely is necessary. However, should an extension of time be necessary, please grant a petition of an extension of time necessary to make this submission timely. Additionally, please charge any fees that may be required for this submission as follows:

Deposit Account: 50-0271

Order No. 03-013

Charge any additional fees or credit any overpayment to the same account.

Respectfully submitted,

April 12, 2007
Date

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